



News Bulletin

Bureau of
Narcotics & Dangerous Drugs

Spring 2021

Missouri Department of Health and Senior Services

health.mo.gov/safety/bndd/index.php

MISSOURI BNDD MARKS 50TH ANNIVERSARY:

The Missouri Bureau of Narcotics and Dangerous Drugs has been regulating opiates and other controlled substances since the 1930s.

Prior to 1970, many of the states had their own state controlled substance laws, but there was a need for consistency and for all states to have controlled substance laws. President Nixon signed the Controlled Substances Act of 1970 into law, asking all states to adopt these laws for registration and the prevention of diversion.

Many states require an additional separate drug registration apart from a medical license. Some states have their licensing boards do this extra duty, but Missouri, Oklahoma, California, Georgia, and New York have a separate agency called the Bureau of Narcotics. Some are in the health departments or public safety.

The Missouri Department of Health and Senior Services already had a Bureau of Food and Drugs that was basically the state version of the Food and Drug Administration. In 1970, the food program was assigned to another division and the department created the Bureau of Narcotics and Dangerous Drugs. The BNDD's existence and new regulations were implemented in 1971.

LOSS REPORTS MAY BE SUBMITTED ONLINE:

The BNDD reminds registrants that loss, theft and diversion reports may be submitted electronically online without the need to fill out a paper form. Visit the BNDD website at <https://health.mo.gov/safety/bndd> and click on the link to report losses and thefts.

UPDATES FOR COVID-19 WAIVERS:

WAIVERS TERMINATED APRIL 30TH

195.060.1 - Emergency Dispensing Without a Prescription:

This allowed a pharmacy to dispense an emergency supply without a prescription for displaced persons during the COVID-19 emergency. This waiver was terminated on April 30, 2021.

1.042(3) - Annual Inventory Date Waived

DHSS waived the requirement to perform an annual inventory of controlled substances during the earlier stages of the COVID-19 emergency. This waiver was terminated on April 30, 2021. All registrants should make sure they have performed an annual inventory within the past 12 months and perform an inventory if one has not been completed.

Check It Out

Find educational documents on the BNDD website at <http://health.mo.gov/safety/bndd/publications.php>. Documents such as the "CDC Opiate Prescribing Guidelines" and also "Preventing Prescription Fraud" can be viewed.

INQUIRIES REGARDING GABAPENTIN:

The BNDD has been receiving calls and emails asking if there is a plan to make gabapentin a controlled substance. The federal Drug Enforcement Administration (DEA) would schedule gabapentin first and then the state BNDD would follow suit. At this time, we are not aware of any documents that have been filed to make gabapentin a controlled substance. As with any drug, the DEA may be collecting data to be determine if a drug should be scheduled. We will provide updates as we receive them from the DEA.

REMINDERS REGARDING ELECTRONIC PRESCRIPTIONS:

Registrants may visit the BNDD website at <https://health.mo.gov/safety/bndd/apps-electronic-presc-waivers.php> and visit the link to Electronic Prescribing. The new statute in Section 195.550, RSMo is there along with informational documents and an application to receive a waiver.

There are approximately 11 exceptions to electronic prescribing so pharmacies are reminded that they will continue to receive prescriptions by paper, mail, fax and telephone. Pharmacies should not decline prescriptions based on whether they are electronic or not.

Registrants seeking a waiver may fill out the application form provided at this link and must email it to BNDDRxWaiver@health.mo.gov. The BNDD will grant waivers by responding to the email address provided on the application. The waivers are valid for one year from the date issued.

The Department of Health and Senior Services along with the Governor's Office has also waived the implementation of the new electronic prescribing law in Section 195.550, RSMo and the implementation of the statute is pushed back during the COVID-19 emergency. The BNDD will publish when this waiver ends.



SPEEDING UP YOUR APPLICATION PROCESS:

May through July is the busiest time of year for processing applications and issuing new registrations. The bureau receives bulk application packages from first-year residency students. BNDD reminds everyone the fastest way to obtain a new registration:

- Visit the BNDD website at <https://health.mo.gov/safety/bndd> and click on the blue rectangle to apply for all registrations.
- You can enter your BNDD number to pre-populate the application so can verify what the bureau has on file.
- Once you have completed the application, you will be taken to the “click-to-pay” screen. You will be given an opportunity to print a receipt. If you do not get to the stage of paying for the registration, then the application has not been submitted successfully.
- Electronic applications are processed each day in the order in which they are received. Electronic applications are handled with top priority, and then paper applications are handled afterward.
- Current analysis shows that 95% of all BNDD registrants apply online and 5% of registrants submit a paper application.
- When an application applies online, the BNDD issues 95% of those registrations within one business day. Applications that are sent through the mail, to the fee receipt office and then the BNDD office to be entered by hand take up to 12 days from the date they are mailed.

WAIVERS CONTINUED UNTIL FURTHER NOTICE ON BNDD WEBSITE:

195.030.6 - Waiver of Registrations for Temporary Emergency Locations:

Allows temporary hospitals and temporary health care facilities to set up an emergency location to provide treatment in response to the COVID-19 emergency. No separate state drug registration is required at these temporary emergency locations.

195.030.2 - Waiver of Registration for Responding Out of State Practitioners:

A practitioner who is licensed and has a federal DEA registration from another state outside of Missouri, may respond to Missouri and practice temporarily in response to the COVID-19 emergency and treat patients without a state controlled substance registration.

195.550 - Waiver from Electronic Prescribing Requirement:

Section 195.550, RSMo requires all controlled substance prescriptions to be transmitted electronically beginning on January 1, 2021. The implementation of this new statute was previously waived. This waiver from electronically prescribing shall continue until further notice is posted on the BNDD website. There are numerous exceptions to the electronic prescribing law so pharmacies will continue to receive prescriptions by paper, fax and telephone.

Practitioners may still visit the BNDD website at

<https://health.mo.gov/safety/bnnd> and apply for an annual waiver from electronic prescribing.

Status of Updated Regulations...

19 CSR 30-1.002—Updates the list of controlled substances. The rule was published by the Secretary of State's Office on April 30th and goes into effect on May 30, 2021.

19 CSR 30-1.026—Changes the requirement for EMS to have registrations at all separate locations. EMS agencies now only require one registration at their primary headquarter locations and not at secondary satellite locations. The rule was published by the Secretary of State's Office on April 30th and goes into effect on May 30, 2021.

19 CSR 30-1.064—Changes the partial filling of controlled substance prescriptions to match the federal DEA guidelines. This allows the partial dispensing to go on for 60 days instead of the prior 30 days that was in the previous rule. The rule was published by the Secretary of State's Office on April 30th and goes into effect on May 30, 2021.

19 CSR 30-1.074—This amends the amount of methamphetamine precursors (pseudoephedrine) that may be dispensed. The monthly limit is reduced to 7.2 grams, and no more than 43.2 grams in a 12-month period. The rule was published by the Secretary of State's Office on April 30th and goes into effect on May 30, 2021.

19 CSR 30-1.080—Sets forth the regulation that registrants may apply with BNDD for a waiver from the requirement of electronic prescribing of controlled substances. Registrants may visit the BNDD website and click on a link to electronic prescribing. There is a fillable PDF application that may be saved and emailed to BNDDRxWaiver@health.mo.gov to receive a one-year waiver. The Order of Rulemaking was filed with the Secretary of State's Office on March 26th, 2021 and the rule will be in effect on June 30, 2021.

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Alternate forms of this publication for persons with disabilities may be obtained by contacting the Missouri Department of Health and Senior Services, BNDD, P.O. Box 570, Jefferson City, MO, 65102, (573) 751-6321. An EO/AA employer: Services provided on a nondiscriminatory basis. Individuals who are deaf, hard-of-hearing, or have a speech disability can dial 711 or 1-800-735-2966.